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July 19, 2022

VIA ECF

Honorable Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Justin Cohen and Kyala Schenck v. City of New York, et al.*,
21-CV-4821 (AMD) (RML)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York ("City"), Police Officers Adnan Hussain, Thomas Demery, and Michael Haber, and former PO Miguel Marquez in the above-referenced matter.¹ With the consent of plaintiffs' counsel, defendants write to respectfully request that the Court: (i) adjourn the August 10, 2022 status conference; and (ii) extend the time for the parties to complete discovery from August 10, 2022, until October 12, 2022. There have been no prior requests for adjournments or extensions of these dates.

Adjournment of Conference. On August 8–10, 2022, defense counsel is scheduled to conduct a trial in the matter of *Caldwell v. Officer Geronimo*, 19 Civ. 8253 (SLC), in the Southern District of New York and, as such, will not be able to join the status conference on August 10, 2022, at 10:00 a.m. Accordingly, with plaintiffs' consent, defendants respectfully request that the Court adjourn that conference for a date and time the following week that is convenient for the Court. Counsel for both parties are available on August 15, 17, 18, or 19.

Extension of Discovery. The parties also require additional time to complete fact discovery. The parties have not completed any of the depositions anticipated in this case and, due to defense counsel's upcoming trial, will not be able to complete depositions before August 10,

¹ On May 31, 2022, plaintiffs filed a second amended complaint naming a newly identified defendant, "FNU Lewis." (Docket Entry No. 35) Based on the docket, no summons has been issued as to FNU Lewis. As such, this Office does not represent FNU Lewis and only represents the defendants expressly mentioned above.

2022. Further, the parties are evaluating whether to request a settlement conference. The requested extension will allow the parties more time not only to discuss settlement but also to complete depositions, should the parties not reach a settlement.

Accordingly, with plaintiffs' consent, defendants respectfully request that the Court: (i) adjourn the August 10, 2022 status conference; and (ii) extend the time for the parties to complete discovery until October 12, 2022.

Defendants thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Frank", written over a horizontal line.

Jeffrey F. Frank

Assistant Corporation Counsel

Special Federal Litigation Division

cc: All Counsel (via ECF)